

DEPARTMENT OF STATE
H

Date

2/24

TO: T-Crocker.

I've sent copies of
these to ARA-Lister
for his follow-up chat
as reply by Todman.

For your file

George Winnett
Ext. 21608

W

NORMAN Y. MINETA
MEMBER OF CONGRESS
13TH DISTRICT, CALIFORNIA

COMMITTEES:
PUBLIC WORKS AND
TRANSPORTATION
POST OFFICE AND CIVIL SERVICE

Re Home Rights Argentina

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
310 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-2631

DISTRICT OFFICES:
GOLDEN PACIFIC CENTER
1245 S. WINCHESTER BLVD.
SUITE 310
SAN JOSE, CALIFORNIA 95128
TELEPHONE: (408) 984-6045
7951 WREN AVENUE
SUITE D
GILROY, CALIFORNIA 95020
TELEPHONE: (408) 847-2664

February 15, 1977

Mr. Terrence Toddman
Bureau of Interamerican Affairs
State Department
Washington, D.C.

Dear Mr. Toddman:

It has been brought to my attention that during the next couple of weeks the State Department will be deciding whether or not to revise recommendations concerning military assistance to several nations.

I am writing to urge you to reconsider the U.S. foreign aid policy toward Argentina. In fiscal year 1977, Argentina received \$48.9 million in foreign military sales credit and \$900,000 for military training. Argentina accounted for about a quarter of all military sales credit to Latin America.

I am concerned about the high level of this aid, because Argentina has one of the worst records of violations of human rights of any country in this hemisphere, and because Argentina is presently under no threat of attack by a foreign country. The items which will be purchased by Argentina through our Assistance Program seem intended solely for internal security purposes. I question whether spending millions of U.S. taxpayers' dollars for such purposes is putting our resources to the best possible use.

I know that there is considerable opposition in the Congress to providing any funds to Argentina this year. I hope that the Executive Branch will suspend or drastically reduce military aid to Argentina, so that a confrontation on this issue between the Congress and the Executive Branch can be avoided.

Sincerely yours,

The original of this letter
was signed by Norman Y. Mineta, M.C.
NORMAN Y. MINETA
Member of Congress

NYM/ss/w

Congress of the United States

House of Representatives

Washington, D.C. 20515

OFFICIAL BUSINESS

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FOR SAFETY

FEB 18 1977

Wm. J. Hick
M.C.

OCMS Lucy Benson

Undersecretary of State for Security

Assistance Affairs (Designate)

State Department

Washington, D.C. 20520

X RAYED
FOR SAFETY

FEB 18 1977

OC/P

PHILLIP BURTON
6TH DISTRICT, CALIFORNIA

2454 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

DISTRICT OFFICE:
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102
PHONE: 415-556-4862

Congress of the United States
House of Representatives
Washington, D.C. 20515

CHAIRMAN, HOUSE DEMOCRATIC
CAUCUS
2ND VICE CHAIRMAN, DEMOCRATIC
STEERING AND POLICY COMMITTEE

COMMITTEES:
EDUCATION AND LABOR
INTERIOR AND INSULAR
AFFAIRS

CHAIRMAN, SUBCOMMITTEE ON
TERRITORIAL AND INSULAR AFFAIRS

February 17, 1977

Mr. Terrence Toddman
Bureau of Inter-American Affairs
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Toddman:

It has come to my attention that the State Department is presently considering the question of requesting monies for military assistance to Argentina for fiscal year 1978.

I would like to take this opportunity to state my opposition to military assistance to Argentina.

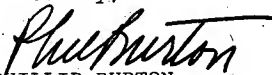
In view of the Carter Administration's outspoken defense of human rights and Argentina's systematic and prolonged violation of its own citizens' human rights, American military assistance is entirely inappropriate at this time.

Argentina is under no military threat from any continental or extra-continental power, and the refusal of the United States to grant Argentina military aid at this time would signal America's unequivocal support for human rights.

I would urge your careful consideration of these factors and again state my opposition to military aid to Argentina.

Kindest personal regards,

Sincerely,


PHILLIP BURTON
Member of Congress

PB:why

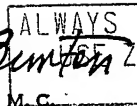
THIS STATIONERY PRINTED ON PAPER MADE WITH RECYCLED FIBERS

Congress of the United States

House of Representatives

Washington, D.C. 20515

OFFICIAL BUSINESS



Ms. Lucy Benson
Under Secretary of State for
Security Assistance Affairs (designate)
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

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HUMAN RIGHTS - Argentina

I. Nature and Extent of American Concern

a. Executive:

- i) Recent studies, investigations and recommendation.
- ii) Programs and actions of Executive Branch seen as:

A. Promoting human rights

In December, 1974, APU Country Director Frank V. Ortiz observed to Argentine Ambassador Alejandro Orfila that terrorists sometimes won a moral victory if human rights were seriously abridged in the process of combating them. He stressed the importance of human rights to U.S. public opinion. Orfila said he would find occasion to report back to his government the U.S. interest in human rights.

B. Supporting human rights violations or associating the U.S. with such violations.

None

b. Congressional:

A number of Congressmen have referred constituent inquiries to them concerning the case of Miss Olga Talamante, an American citizen, arrested and allegedly tortured in Argentina in November, 1974, to the Department. The offices of Miss Talamante's Senators (Cranston and Tunney) and her Congressman (Mineta) have expressed continuing interest in the case. There has been no other recent expressions to the Department of Congressional interest in human rights in Argentina.

c. Public:

Recent expressions of concern to the Department from the public on human rights in Argentina have been limited to the Talamante case. There have been no major foci of interest.

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Article 15. In the Talamante case have appeared in the west (San Diego Union, San Francisco) Jack Anderson published one syndicate alleging human rights violation Talamante case.

II. Nature and Extent of International Concern

(a) Public international organizations

None.

(b) International governmental organizations

None.

(c) Not applicable

(d) Identity of special interest campaigns

None, other than the campaign mounted on the west coast to bear on the Department of State the release of Miss Talamante. This is led by Miss Talamante's friends from the University of California at Santa Clara.

III. Human Rights Facts

(a) Argentina is not a party to the UN charter, Geneva Convention of 1948, American Declaration of the Rights and Duties of Man, American Declaration of the Rights and Duties of Man, UN Human Rights Convention, American Declaration of the Rights and Duties of Man, UN Charter, Vienna Consular Convention.

(b) Constitutional provisions

Article 15. In the Argentine Nation there are no slaves; the few who today are free from the promulgation of the constitution; and a special law shall regulate the indemnifications this declaration may be made to. Any contract for the purchase or sale of slaves is a crime for which those committing it, the notary or official authorizing it, are responsible. And slaves, by whatever means they may be introduced, shall be free by the mere fact of setting foot in the territory of the Republic.

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Article 16. The Argentine Nation does not admit prerogatives of blood or birth; in it there are no personal privileges, or titles of nobility. All its inhabitants are equal before the law, and admissible for employment without any other requisite than fitness. Equality is the basis of taxation and of the public burdens.

Article 18. No inhabitant of the Nation may be punished without previous trial, based on an earlier law than the date of the offense, nor tried by special commissions, nor removed from the judges designated by law before the date of the offense. No one can be compelled to testify against himself, nor be arrested except by virtue of a written order from a competent authority. The defense, by trial, of the person and of rights is inviolable. The residence is inviolable, as are letters, correspondence and private papers; and a law shall determine in what cases and for what reasons their search and seizure shall be allowed. The penalty of death for political offenses, all kinds of torture, and flogging, are forever abolished. The prisons of the Nation shall be healthy and clean, for the security and not for the punishment of the prisoners confined therein; and any measure that under pretext or precaution inflicts on them punishment beyond the demands of security, shall render liable the judge who authorizes it.

Article 19. The private actions of men that in no way offended public order or morality, nor injure a third party, are reserved only to God and are exempt from the authority of the magistrates. No inhabitant of the Nation shall be obliged to do what the law does not command nor be deprived of what it does not forbid.

Constitutional escape clauses

Article 23. In the event of internal disorder or foreign attack endangering the operation of this Constitution and of the authorities created thereby, the Province or territory in which the disturbance of order exists shall be declared in a stage of siege and the constitutional

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guarantees shall be suspended therein. But during such suspension the President of the Republic shall not convict or apply punishment upon his own authority. His power shall be limited, in such a case, with respect to persons, to arresting them or transferring them from one point of the Nation to another, if they do not prefer to leave Argentine territory.

- (c) Principle legislative provisions protecting or derogating from human rights.

None

- (d) Departures from the principle articles of the Universal Declaration.

On November 6, 1974, President Peron, acting under the authority conferred by Article 23 of the Constitution, decreed a state of siege suspending all constitutional guarantees. This was the result of serious concern on the part of Argentine authorities that the fabric of the society was threatened by the level of political violence in the country. The transition from a military to an elected government in Argentina in 1973, the return of General Peron to the country, his death and the subsequent power struggle among his followers have all been accompanied by increasingly widespread urban terrorism. This is in addition to violence perpetrated by the Hemisphere's best organized and equipped Marxist terrorist group.

In carrying out the anti-terrorist struggle, human rights violations have been and are being committed in Argentina. These violations have taken three forms.

1. Arbitrary arrest and detention

Hundreds of people have been arrested and held without charges under provisions of the State of Siege. Those arrested on this basis are believed to have been involved in terrorist activities. GOA violations of constitutional rights appear limited largely to subversive elements. Opposition leaders express themselves freely.

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2. Torture

There have been reports that torture and maltreatment are occasionally used by security forces in their interrogation of persons arrested for terrorist activities. The use of torture can neither be termed widespread nor uncommon. It is said to be employed by the Federal Police, the provincial police and the Army on a sporadic basis when they have in custody a person believed to be an active terrorist who will yield information on such activities. The GOA conducts investigations when a person claims to have been tortured, but these investigations generally prove inconclusive. The GOA would publicly condemn torture.

3. Assassination - Right-wing terrorism

Hundreds of Argentine leftists have in the past year been abducted by persons posing as policemen, or have simply disappeared only to be found later riddled with bullets. Several independent vigilante groups appear to be operating in this fashion. Some groups are thought to be comprised of members of the Federal Police, the Army, and the Ministry of Social Welfare. It is widely suspected that some of these right-wing terrorist actions are directed by certain GOA officials. Verification of this is all but impossible. The GOA would deny complicity in right-wing terrorist assassinations.

(e) Foci for internal support for human rights

Opposition political parties in Argentina are apprehensive that the abrogation of constitutional guarantees under the State of Siege threatens freedom in Argentina. While, as stated earlier, the provisions of the State of Siege have not been used to harass government critics and stifle opposition, they have that potential. Nonetheless, political parties support the government's campaign against terrorism. The fact that right-wing terrorists are never arrested by the police has been criticized in the press and by the leader of the UCR, Argentina's largest opposition party.

The Argentine Church has a long humanist tradition. It abhors the violence that racks the country at this time, and would not condone torture by government officials. As an institution it is highly

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influential in Argentina, although it rarely speaks with unity on social issues. The USG cannot overtly assist groups in Argentina pressing for greater attention to human rights without becoming involved in Argentine domestic politics. If and when human rights in Argentina are raised in a recognized international organization the USG could consider working through that organization.

IV. Concrete Options for U.S. Response

In considering possible U.S. policy alternatives, the following factors should be borne in mind:

1. The State of Siege has been constitutionally invoked.
2. The GOA will not admit to the practice of torture.
3. There is relatively little opprobrium internationally with respect to human rights violations in Argentina (as compared to Brazil, Chile, Paraguay, Uruguay and Mexico).
4. Argentines might consider it anomalous to urge the GOA to improve security to protect foreign businessmen and diplomats, while imposing any sort of sanction for violations committed in the anti-terrorist effort.
5. We provide no assistance to Argentina under the Foreign Assistance Act at the present time.

Policy Alternatives

Category 1 - Suasion

- A. Have Ambassador Hill express our concern about human rights problems to Argentine Foreign Minister Vignes.
- B. Call in Argentine Ambassador Orfila and have Assistant Secretary Rogers express our concern about human rights problems.
- C. Have Secretary Kissinger raise human rights problems in the course of his next bilateral with Foreign Minister Vignes.

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Category 2 - Coercion

- A. Eliminate, or threaten to terminate the FMS credit program.
- B. Eliminate assistance in the narcotics area.
- C. Bring a complaint against Argentina to the IAHR.

ARA/APU:RCFelder:jc
4/23/75:x28148

Clearances: ARA/APU - Mr. Bartch
ARA - Mr. Lister ✓

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